

REMARKS

Applicants reply to the Final Office Action dated July 16, 2007, within two months. Thus Applicants request an Advisory Action, if necessary. Claims 1-67 were pending in the application and the Examiner rejects claims 1-67. Applicants cancel claims 16-40, 42-54, and 58-59 without prejudice in favor of filing one or more claims with similar subject matter. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments. Reconsideration of this application is respectfully requested.

Applicants thank the Examiner for the Interview with Applicants' counsel on September 6, 2007. Per the Examiner's recommendations, Applicants significantly amend the claims to more specifically recite the unique elements of the invention. Applicants further cancel claims 16-40, 42-54, and 58-59 to provide better clarity to the claim set for the purpose of expedited examination. **The Examiner also agreed to contact Applicants' counsel prior to issuing an Advisory Action.**

Rejections Under 35 U.S.C. § 103

The Examiner rejects claims 1-56, 58, 60, 62, 64-67 under 35 U.S.C. § 102(e) as being anticipated by Deaton et al., U.S. Patent No. 6,292,786 ("Deaton"). Applicants respectfully traverse the rejection.

Deaton generally discloses a system to enable product manufacturers to generate and present incentives in real-time at the point of sale (POS). The Deaton system receives product purchase information from a retailer POS. The product purchase information includes a Universal Product Code (UPC), product price, a customer identification code, and the like. The manufacturer must be heavily involved in each transaction by determining whether to offer an incentive to each customer based on the particular purchase information. In the Deaton system, the manufacturer must create an incentive and transmit it to the retail POS so that the customer can receive benefit of the incentive before the sale is consummated.

Deaton seeks to overcome the disadvantages of prior art marketing methods, wherein incentives are offered based on survey related information. Such prior art methods are only able to provide manufacturers with information that would have been beneficial to their marketing efforts had the information been known earlier. Thus, the Deaton system enables the

manufacturer to generate and offer incentives based on real-time information as provided by retailers. Because Deaton provides incentives at the POS, the customer is already in the process of facilitating the purchase. The earliest processing point is during the sales transaction that Deaton discloses receiving a UPC. The POS transmits the UPC along with other purchase data to the UPC server. **However, Deaton does not disclose capturing and/or processing Stock Keeping Unit (SKU) numbers** as is common practice among merchants. A SKU is a retail item identifier that enables retailers to determine an item price, verify inventory, and provide discounts. **Deaton does not disclose the use of a SKU during a purchase transaction, thus, it would be necessary for retailers to significantly modify their existing POS systems to capture a UPC instead of the SKU. More significantly, the Deaton system requires merchants to maintain a complex and large database of all UPCs for every product they sell. Each UPC would be necessarily linked with price, inventory, and discount data for each item.**

Those of ordinary skill in the art will appreciate that a UPC is defined by the manufacturer. Therefore, in order to know who the manufacturer is, it is vital that the Deaton server be provided with UPC codes from various participating manufacturers in advance, so the server can determine the appropriate manufacturer. However, a system which receives and stores UPC codes from various manufacturers is not disclosed by Deaton. Moreover, Deaton discloses the use of UPC codes at the POS to determine a manufacturer issued discount. Deaton, as disclosed, **lacks the ability to issue rewards across a number of tiers based on a single purchase transaction, wherein each tier may offer its own set of reward points. For example, the retailer offers a first set of reward points, manufacturer offers a second set of reward points, merchant grouping (e.g., shopping mall) offers a third set of reward points, etc.)** As such, Deaton does not disclose or suggest at least, “retrieving a manufacturer item identifier corresponding to said retail item identifier”, or “calculating a first set of reward points based on said consumer ID, said purchase price and a first currency to point ratio corresponding to said retailer item identifier; calculating a second set of reward points based on said consumer ID, said purchase price and a second currency to point ratio corresponding to said manufacturer item identifier; calculating a third set of reward points based on said consumer ID, said purchase price and a third currency to point ratio corresponding to affiliated Service Establishment (SE) numbers; and, combining said first set of reward points, said second set of reward points, and

said third set of reward points within a loyalty account associated with said consumer ID, ” as recited by independent claim 1.

The remaining dependent claims variously depend from independent claim 1. As such, the dependent claims are allowable for at least the reasons set forth above, as well as in view of their own respective features.

Rejections Under 35 U.S.C. § 103

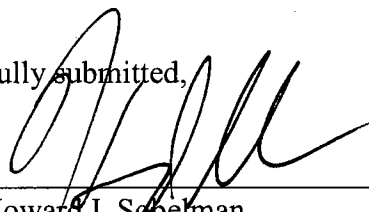
The Examiner rejects claims 57, 59, 61, and 63 under 35 U.S.C. § 103(a) as being unpatentable over Deaton in view of Official Notice. Applicants respectfully traverse the rejection.

Remaining claim 57 variously depends from independent claim 1. As such, dependent claim 57 is allowable for at least the reasons set forth above with respect to the cited reference, as well as in view of its own respective features.

Applicants respectfully submit that the pending claims are in condition for allowance. The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account No. **19-2814**. Applicants invite the Examiner to telephone the undersigned if the Examiner has any questions regarding this Reply or the present application in general.

Date: September 17, 2007

Respectfully submitted,

By: 
Howard I. Sobelman
Reg. No. 39,038

SNELL & WILMER, L.L.P.
One Arizona Center
400 East Van Buren
Phoenix, AZ 85004-2202
Phone: (602) 382-6228
Fax: (602) 382-6070
Email: hsobelman@swlaw.com